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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,648	12/12/2003	Willem Polak	1029.0001	1631
68540 7590 04/07/2009 O'BRIEN JONES, PLLC 8200 Greensboro Drive Suite 1020A McLean, VA 22102				
EXAMINER THOMAS, ERIC M				
ART UNIT		PAPER NUMBER		
3714				
NOTIFICATION DATE		DELIVERY MODE		
04/07/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/733,648

Applicant(s)

POLAK ET AL.

Examiner

Eric M. Thomas

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-47, 51, 52, 54-58 and 60-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-47, 51, 52, 54-58 and 60-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/6/08 has been entered.

Response to Amendment

This is in response to the amendments filed on 9/4/08; claims 2, 26, 29, 30, 34, 51, 52, 54, 55, 61, and 62 have been amended and claims 1, 48 – 50, 53, and 59 were previously cancelled. Claims 2 - 47, 51, 52, 54 - 58, and 60 - 62 are now pending in the current application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 – 14, 18 - 47, 51, 52, 54 – 58, and 60 - 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nulph (U.S. 6,203,011) in view of Korman et al. (U.S. 6,308,887).

Regarding claims 2, 26, and 51, Nulph provides a lottery game system and method that discloses a plurality of play spots being printed on each lottery ticket of a plurality of lottery tickets, (abstract), wherein one embodiment of the lottery game is that the lottery ticket may be a prepaid game card (col. 9, lines 15 – 16). Nulph further discloses that the game ticket includes a plurality of play spots wherein each play spot has a value selected from a set of values wherein the values are distributed randomly on the tickets wherein the play spots may be lottery play numbers that is generated by the controlling authority (abstract and col. 4, lines 45 - 47). This is viewed by the examiner as the prepaid wagering card having one or wagering entries that is provided on at least one side of the wagering card, wherein the wagering entries may comprise of randomly generated numbers. Nulph further discloses that once a user has purchased the ticket, the controlling authority is contacted and an indication of a unique identifier is transmitted to the controlling authority, wherein this process may be done electronically (col. 5, line 64 - col. 6, line 4). The examiner views this as meeting the claim limitation of the wagering card having activation information configured to electronically activate the wagering card, wherein this process is a prerequisite to playing one or more entries in the lottery. Nulph further discloses that the lottery ticket may have a redemption value, wherein in the event that the player wins a prize, the user redeems the ticket in order to receive the prize (col. 6, lines 5 - 11). Nulph further discloses in fig. 4, that the lottery ticket may be arranged to display the activation information, (part 412 of fig. 4), while the redemption information may be concealed in a machine-readable form such as the bar code shown in fig. 4 (part 444), but Nulph is silent on the issue of game may be

player activated game wherein the player purchases a lottery ticket and then interacts with the lottery controlling authority to activate the ticket, (col. 1, lines wherein the entries disclose a lottery format on at least one side of the wagering card that includes a plurality of random numbers wherein activation information, that is configured to electronically activate, is provided on at least one side of the wagering card, wherein the activation of the wagering card is a requirement or prerequisite to playing the wagering card game (col. 1, lines 30 – 33; col. 2, lines 32 - 42 and fig. 4). Nulph also discloses that the user is able to redeem the wagering card to claim a prize, if it is a winning ticket, (col. 6, lines 5 – 11), wherein the prepaid wagering card displays the activation information while concealing the redemption information, so as to prevent the redemption information from being used to electronically redeem the prepaid wagering card, (fig. 4), but Nulph is silent on the issue of the prepaid wagering card being purchased at a non-traditional retailer. In a related art, however, Korman provides a transaction machine network that may be operable to process non-traditional point-of-sale (POS) transactions, (abstract), wherein a user may purchase movie tickets, airline tickets, event tickets, lottery tickets, etc. (col. 2, lines 64 – 65 and col. 8, lines 29 - 30). The examiner views this in combination with the Nulph reference as meeting the claim limitation of a point of sale terminal being a non-traditional lottery terminal that may be configured to facilitate a sale of a non-lottery product without a communication interface with a traditional lottery terminal. Therefore, it would have been obvious to one of ordinary skill in the art combine the teachings of Korman into the art disclosed by Nulph in order to provide a network architecture for multi-transactional processing for

transaction terminals with multi-transactional capability such as selling multiple products and services.

Regarding claim 3, Nulph provides a prepaid wagering card that discloses wherein the wagering card may have a desired play date when the card is valid (col. 5, lines 35 - 36).

Regarding claims 4, 5, 34, and 35, Nulph provides a prepaid wagering card that discloses date, (part 430 of fig. 4) and identification information, (part 442 of fig. 4) of the card provided on at least one side of the wagering card (fig. 4).

Regarding claim 6, Nulph provides a prepaid wagering card that includes a serial number, (part 442 of fig. 4), and a plurality of verification spots, (part 550 of fig. 5), which is viewed by the examiner as PIN number.

Regarding claims 7 - 9, and 11 - 13, Nulph provides a prepaid wagering card that is capable of having the activation or redemption information in a machine - readable form that includes at least a bar code or magnetic strip and is capable of being read by a reading device other a specific lottery terminal (col. 4, lines 3 - 6 and col. 6, lines 46 - 50).

Regarding claims 10 and 14, Nulph provides a prepaid wagering card that is capable of having the activation or redemption information in a machine - readable form such as being a bar code shown in figs. 4 - 7, which is viewed by the examiner as this information being encrypted.

Regarding claim 18, Nulph provides a prepaid wagering card that includes designated area that can be used for a confirmation number (fig. 4).

Regarding claim 19, Nulph provides a prepaid wagering card that includes promotional information on at least one side of the card (fig. 4).

Regarding claims 20 and 21, Nulph provides a prepaid wagering card that includes instructional information on how to activate the prepaid wagering card on at least one side of the card (fig. 4).

Regarding claim 22, Nulph provides a prepaid wagering card wherein the predetermined lottery is identified on the card (fig. 5).

Regarding claim 23, Nulph provides a prepaid wagering card, wherein the dimensions of the card are similar to the dimensions of a credit card (figs. 4 - 7).

Regarding claims 24 and 25, Nulph provides a prepaid wagering card that discloses the use of a plurality of prepaid wagering cards that are identified uniquely so that the cards can be played individually (col. 1, line 58 – col. 2, line 14).

Regarding claims 27 and 29, Nulph provides a method of playing a prepaid wagering card game that discloses storing the wagering card information in a database (col. 2, lines 2 – 5).

Regarding claims 30 – 33, 36, 37, 47, and 62, Nulph provides a method of administering an interactive transaction in a lottery game that discloses a plurality of play spots being printed on each lottery ticket of a plurality of lottery tickets, (abstract), wherein one embodiment of the lottery game is that the lottery ticket may be a prepaid game card (col. 9, lines 15 – 16). Nulph further discloses that the game ticket includes a plurality of play spots wherein each play spot has a value selected from a set of values wherein the values are distributed randomly on the tickets wherein the play spots may

be lottery play numbers that is generated by the controlling authority (abstract and col. 4, lines 45 - 47). This is viewed by the examiner as the prepaid wagering card having one or wagering entries that is provided on at least one side of the wagering card, wherein the wagering entries may comprise of randomly generated numbers. Nulph further discloses that once a user has purchased the ticket, the controlling authority is contacted and an indication of a unique identifier is transmitted to the controlling authority, wherein this process may be done electronically (col. 5, line 64 - col. 6, line 4). Nulph further discloses that once a user has purchased the ticket, the controlling authority is contacted and an indication of a unique identifier is transmitted to the controlling authority, wherein this process may be done electronically (col. 5, line 64 - col. 6, line 4). The examiner views this as meeting the claim limitation of the wagering card having activation information configured to electronically activate the wagering card, wherein this process is a prerequisite to playing one or more entries in the lottery. This is viewed by the examiner as providing and registering the wagering card when the wagering is purchased at a point-of-sale terminal at a traditional lottery retailer), but Nulph is silent on the issue of the prepaid wagering card being purchased at a non-traditional retailer. In a related art, however, Korman provides a transaction machine network that may be operable to process non-traditional point-of-sale (POS) transactions, (abstract), wherein a user may purchase movie tickets, airline tickets, event tickets, lottery tickets, etc. (col. 2, lines 64 - 65 and col. 8, lines 29 - 30). The examiner views this in combination with the Nulph reference as meeting the claim limitation of a point of sale terminal being a non-traditional lottery terminal that may be

configured to facilitate a sale of a non-lottery product without a communication interface with a traditional lottery terminal. Therefore, it would have been obvious to one of ordinary skill in the art combine the teachings of Korman into the art disclosed by Nulph in order to provide a network architecture for multi-transactional processing for transaction terminals with multi-transactional capability such as selling multiple products and services.

Regarding claims 38, 39, 42, and 52, Nulph provides a method of playing a prepaid wagering card wherein the user communicates with the lottery system by submitting the card information to verify that the wagering card is valid or activated, (col. 2, lines 8 – 14), the user is also required to submit a first wager to the wagering system which is then transmitted to the lottery system through a second communications link and registers the first wager and is capable of transmitting a second wager from the lottery system and storing the second wager in the database (col. 2, lines 16 – 43, col. 7, lines 52 – 63).

Regarding claim 40, Nulph provides a method of playing a prepaid wagering card that teaches at least one of said communication links is the Internet (col. 1, lines 23 – 24 col. 4, lines 29 - 33).

Regarding claim 41, Nulph provides a method of playing a prepaid wagering card that teaches that the first communications link is a telephone line (col. 4, lines 30 – 31).

Regarding claims 43 and 61, Nulph provides a method of playing a prepaid wagering card that teaches the use of voice communication (col. 4, lines 10 – 14).

Regarding claims 44 – 46, Nulph provides a method of playing a prepaid wagering card wherein the wagering card is operable to be wagered after activation of the card and at any time within the predetermined period time (col. 1, lines 27 – 39).

Regarding claim 51, Nulph provides a method of playing a prepaid wagering card wherein the user communicates with the lottery system by submitting the card information to verify that the wagering card is valid or activated, (col. 2, lines 8 – 14), the user is also required to submit a first wager to the wagering system which is then transmitted to the lottery system through a second communications link and registers the first wager and is capable of transmitting a second wager from the lottery system and storing the second wager in the database (col. 2, lines 16 – 43, col. 7, lines 52 – 63), but is silent on the issue of a point of sale terminal being a non – traditional lottery terminal. In a related art, however, Korman provides a transaction machine network that may be operable to process non-traditional point-of-sale (POS) transactions, (abstract), wherein a user may purchase movie tickets, airline tickets, event tickets, lottery tickets, etc. (col. 2, lines 64 – 65 and col. 8, lines 29 - 30). The examiner views this in combination with the Nulph reference as meeting the claim limitation of a point of sale terminal being a non-traditional lottery terminal that may be configured to facilitate a sale of a non-lottery product without a communication interface with a traditional lottery terminal. Therefore, it would have been obvious to one of ordinary skill in the art combine the teachings of Korman into the art disclosed by Nulph in order to provide a network architecture for multi-transactional processing for transaction terminals with multi-transactional capability such as selling multiple products and services.

Regarding claims 54 – 57, Nulph provides a system of a prepaid wagering card that discloses a database that stores a plurality of random numbers of prepaid wagering medium, a data processor that is capable of accessing the database that when after a prepaid medium is purchased, the data processor receives the purchase information and changes the status of the prepaid medium and applies an activation date of the prepaid medium in the database, wherein a user wanting to place a wager with the prepaid wagering card, a communication session is established with the data processor, wherein the player provides identification information, the data processor determines whether or not the prepaid wagering card is valid and then forwards this information to the user, this information is then forwarded to a distributor along with any possible confirmation information (col. 3, line 55 – col. 4, line 2, col. 4, lines 29 – 52, col. 5, lines 13 – 19, and lines 41 – 51), but is silent on the issue of a point of sale terminal being a non – traditional lottery terminal. In a related art, however, Korman provides a transaction machine network that may be operable to process non-traditional point-of-sale (POS) transactions, (abstract), wherein a user may purchase movie tickets, airline tickets, event tickets, lottery tickets, etc. (col. 2, lines 64 – 65 and col. 8, lines 29 - 30). The examiner views this in combination with the Nulph reference as meeting the claim limitation of a point of sale terminal being a non-traditional lottery terminal that may be configured to facilitate a sale of a non-lottery product without a communication interface with a traditional lottery terminal. Therefore, it would have been obvious to one of ordinary skill in the art combine the teachings of Korman into the art disclosed by Nulph in order to provide a network architecture for multi-transactional processing for

transaction terminals with multi-transactional capability such as selling multiple products and services.

Regarding claim 58, Nulph teaches that each play spot on the wagering card having a value that are selected from a values that are randomly distributed on the cards. The examiner interprets this as the system having a random number generator that generates the plurality of random numbers (col. 1, lines 58 – 66).

Regarding claim 60, Nulph teaches of how after the purchase information of a prepaid wagering card is transmitted by a server to the data processor (col. 1, lines 27 – 39).

Regarding claim 61, Nulph provides a system for a prepaid wagering card that discloses a database, which stores a plurality of random numbers of a prepaid wagering card, (col. 2, lines 2 – 5), a processor that is capable of accessing the data store, wherein after the prepaid wagering card is purchased, the processor changes the status information of the prepaid wagering card to indicate that the prepaid wagering card has been properly distributed to a user, (col. 4, lines 3 - 17), wherein once the status of the prepaid wagering card has been updated, the processor stores an activation date of the prepaid wagering card, (col. 6, lines 13 – 19 and fig. 4), wherein the user may then communicate with the processor and provides the identifying information of the card, (col. 6, lines 46 – 52), wherein once the processor receives the identifying information, the processor determines whether or not the card may be used in the lottery game and informs the user of the of the authenticity of the card, (col. 7, lines 52 - 65). Nulph's system also discloses feature wherein the user may communicate with the processor

through a voice prompt via telephone or a text prompt via a computer network. The examiner interprets this as the system disclosing an interactive voice response system that could be used during a communications session between the processor and the user (col. 5, lines 19 - 28).

2. Claims 15 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nulph (U.S. 6,203,011) in view of Korman et al. (U.S. 6,308,887) as applied to claim 2 above, and further in view of Katz (U.S. 2003/0660261).

Regarding claims 15 – 17, Nulph and Korman are silent on the issue of prepaid wagering card having a designated area for a user to put his/her name. In a related art, however, Katz provides a wagering game that includes a wagering card that teaches that a user is able to put his/her name or identification information on the wagering card (fig. 17). Therefore, it would have been obvious to one of ordinary skill in the art the time of invention to include contact information into the art disclosed by Nulph and Korman in order to provide a better communication session.

Response to Arguments

3. Applicant's arguments filed 9/4/08 with respect to claim 2 have been fully considered but they are not persuasive. Applicants argue that "Nulph fails to disclose a prepaid wagering card comprising one or more wagering entries, wherein the one or more wagering entries each comprise a set of randomly generated numbers." The examiner respectfully disagrees. As stated above, Nulph further discloses that the game ticket includes a plurality of play spots wherein each play spot has a value selected from a set of values wherein the values are distributed randomly on the tickets wherein the

play spots may be lottery play numbers that is generated by the controlling authority (abstract and col. 4, lines 45 - 47). This is viewed by the examiner as the prepaid wagering card having one or wagering entries that is provided on at least one side of the wagering card, wherein the wagering entries may comprise of randomly generated numbers. The examiner views this as the lottery ticket of Nulph meeting at least the claim limitation of a wagering card comprising randomly generated numbers.

4. Applicant's arguments with respect to claims 3 – 47, 51, 52, 54 – 58, and 60 - 62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714